

Barbara Campbell_____

John Allen_____

Frank DiFruscio_____

**Board Of Selectmen Meeting
August 10th, 2021
UNOFFICIAL UNTIL APPROVED**

Present: Barbara Campbell, Chairman; John Allen, Selectman, Frank DiFruscio, Selectman

Attendees: James Lewkowicz, Patricia Schoonman, George Howard, Frank Benesh, Chris Bridge, Burr Phillips, Julie Hoyt, Julie Atwell, Hank Benesh

Audio/video recording to be made available on Jacksonflicks.com

1. Meeting called to order at 3:30 P.M.
2. Chairman Campbell led the attendees in reciting the Pledge of Allegiance.
3. **Approval of Minutes:**
 - a. Prior to review of the minutes from the July 27th meeting, Chairman Campbell stated that Jackson's tax assessor was able to reduce the pole tax settlement to Consolidated Communications from \$1,257 to \$757. **Selectman Allen moved to approve the expenditure with the updated total, seconded by Selectman DiFruscio. Motion approved unanimously. Following this vote, Selectman DiFruscio moved to approve the July 27th regular meeting minutes, seconded by Selectman Allen. Motion approved unanimously.**
 - b. Minutes from the July 27th non-public meeting (91-A:3 II (c)) and from the July 27th non-public meeting (91-A:3 II (e)) were reviewed. **Selectman DiFruscio moved to keep both sets of minutes sealed, seconded by Selectman Allen. Motion approved unanimously.**

4. Update on Action Items:

- a. Benesh Driveway Permit: James Lewkowicz, abutter to the Benesh property, was recognized to make an argument against the Benesh driveway permit application and read aloud an explanation of his points (see Appendix A). Chairman Campbell stated the Board's intent to meet with legal counsel and consider all facts presented before making any decision on the matter.
- b. Class VI Waiver: There were no updates to this matter at time of meeting.

5. For Selectman Discussions and/or Motions:

- a. Septic Discrepancies: Burr Phillips was recognized to explain some discrepancies with septic systems in certain properties in Jackson. He reported that some properties, after being installed with a septic system for a certain number of bedrooms, had an additional bedroom added *post-facto*. He presented to the Board an example with evidence of the discrepancy on the respective property. Burr also attested to some contaminated wells in the Town, discovered through word-of-mouth. He stated he had contacted the New Hampshire Department of Environmental Services (NHDES) and suggested they and the Town could work together to enforce the septic guidelines. Chairman Campbell asked how the Board could enforce septic laws and regulations and what kinds of penalties a violation could carry. Burr answered that NHDES could send notices if he informed them of a violation or of a potential hazard. The Board agreed to consider a plan to address realtors taking stock of properties during advertising and prior to sale.
- b. Valley Cross Road Bridge Update: Burr Phillips was recognized to describe the next steps in the Valley Cross Road Bridge project. He presented to the Board a contract offered by GPI (Greenman-Pedersen, Inc.), reviewed and approved by NHDES, to review submittal of the bridge construction for a total of \$34,090.79. **Selectman Allen moved to sign the contract, seconded by Selectman DiFruscio. Motion approved unanimously.** Burr stated he had sent communication to the New Hampshire Department of Transportation (NHDOT) to approve negotiations with HEB Engineering for bridge construction. He was awaiting their response at time of meeting.
- c. Driveway Permits: Selectman DiFruscio relayed a request from road agent Pat Kelley to receive assistance from Burr Phillips on assessing the grades of certain driveways in the Town. The Board agreed that the cost of consulting an engineer, such as Burr, should not be incurred by the Town. Chairman Campbell asked if the owner of the property could be made responsible for paying the cost of an engineering study to be done on their driveway. The Board agreed with this suggestion and concluded that, if Pat considered a

driveway assessment questionable, the property owner should be responsible for paying for an engineering study.

- d. Transfer Station Violations and Hauling Permits: Due to the topic naming individual names in violations and other sensitive information, the item was moved to a non-public meeting following the conclusion of the regular meeting's agenda.
- e. Trustees of the Trust Funds: The Board considered a request for withdrawal of \$19,155 from the Bartlett/Jackson Ambulance Capital Reserve Fund 0070 (invoice #3328706 (dated July 26th, 2021) for ZOLL Medical Corporation). The expenditure would contribute to the purchase of a new defibrillator for the ambulance. Also for consideration was a request for withdrawal of \$122,000 from the Highway Heavy Equipment Capital Reserve Fund 0068 (adv. lease payment (dated August 20th, 2021) for John Deere Financial). The expenditure would allow the purchase of a new loader vehicle, as discussed in the July 27th meeting (see item 5.d). **Selectman DiFruscio moved to approve both withdrawals, seconded by Selectman Allen. Motion approved unanimously.**

The Board also reviewed deposits totalling \$120,500 to the following funds:

- \$50,000 into the Highway Truck Capital Reserve Fund 0048
- \$30,000 into the Highway Heavy Equipment Capital Reserve Fund 0068
- \$15,500 into the Police Cruiser Capital Reserve Fund 0027
- \$15,000 into the Solar Energy Capital Reserve Fund 0072
- \$5,000 into the Transfer Station Expendable Trust Fund 0028
- \$5,000 into the State Aid and Reconstruction Expendable Trust Fund 0058

Selectman Allen moved to approve the above deposits, seconded by Selectman DiFruscio. Motion approved unanimously.

- f. DRA - PA-16: The Board reviewed form DRA - PA-16, an application for reimbursement to towns and cities in which federal and state forest land is situated. The form would report the acreage of the White Mountain National Forest in the Town of Jackson and show its total assessed value. **Selectman DiFruscio moved to approve submission of the form, seconded by Selectman Allen. Motion approved unanimously.**
- g. Household Hazardous Waste Day: Chairman Campbell gave notice that the next Household Hazardous Waste Day would be held on September 25th. Flyers for the event would be available at the Bartlett-Jackson Transfer Station and added to the meeting's minutes (see Appendix B).
- h. Gray's Inn Garage Use: The Board received a request from Kathleen from the Chamber of Commerce to keep certain items not in the office stored in the

Gray's Inn Garage. She also asked if she could use any part of the garage in the future. Chairman Campbell responded that Kathleen would be able to keep items stored in the garage that were currently stored there. However, no changes to use of the office space were being considered at time of meeting.

6. Department Updates:

- a. Highway: Selectman DiFruscio summarized a Highway Department update from road agent Pat Kelley. The full update was added to the meeting's minutes (see Appendix C).
- b. Fire: No updates were available at time of meeting.
- c. Police: No updates were available at time of meeting.

7. Short-Term Rentals (STRs):

- a. New: No new applications were received for this meeting.
- b. Pending:
 - i. Carter Notch Inn: No updates were available at time of meeting.
 - ii. Zerveskes, Troy and Kelly - 30 Red Barn Road: No updates were available at time of meeting.
 - iii. Thigpen, Matthew Collin - 18 Iron Mountain Road: No updates were available at time of meeting.
 - iv. Cole: A typographical error was made in their property's address. "18 Lucas Lane" was accidentally typed as "15 Lucas Lane". The property owners had previously obtained a Conditional Use Permit for their STR property at the correct address and were not in violation of regulations.
- c. Complaints: No new complaints were received for this meeting.

8. Upcoming Meetings: The Board confirmed the following dates and times for their upcoming meetings:

- a. August 24th, 2021 at 3:30 P.M.
 - i. Chairman Campbell stated that, upon request from Susan Mason, a Zoom meeting would be scheduled to enable remote attendance for the meeting.
- b. September 14th, 2021 at 3:30 P.M.

9. Public Comment: Kevin Bennett was recognized to comment on the installation of heated driveways in the Town. He stated his intent to approach the Planning Board to oppose such installations.

George Howard was recognized to suggest that the departments ought to provide

incidental reports in their department updates to keep the Town informed. Chairman Campbell stated that safety awareness could be addressed in department updates in some incidents but also commented that the departments themselves could be contacted for public information. George suggested that incidental updates might warrant a more timely notice being sent out via eNews. Chairman Campbell stated the Board could contact the Department Chiefs about disseminating such updates on an as-needed basis. Lastly, George asked if the departments would consider providing budget updates. Selectman Allen commented that, for one instance, the Ambulance might not be able to share some sensitive information related to individuals being hospitalized. However, he reiterated Chairman Campbell's point that important, relevant incidental information would be distributed as needed.

10. Other Business: Selectman DiFruscio moved to go to a non-public meeting, seconded by Selectman Allen. Motion approved unanimously.

Meeting moved to non-public at 4:25 P.M.

Respectfully submitted by Will Reisig

Appendix A: Notes Read by James Lewkowicz to the Board of Selectmen

“At the last Select Board meeting Claire, my wife, asked if there was an opportunity for questions regarding the Benesh driveway application. Claire was told she needed to provide any comments or questions through her attorney.

However, during the Public Comment Section, the Select Board allowed Mr. Benesh to speak (without going through his attorney), including a question/answer session with one of the Selectmen.

- We don't understand why the Select Board allowed Mr. Benesh to speak, but didn't allow us to speak.

- Allowing Mr. Beneshes's un-rebutted exchange concerned us because we were not given the same opportunity.

Claire and I have been Jackson taxpayers for 40 years and we want to make certain that everyone hears all the facts regarding the Benesh driveway issue.

The Beneshes's negotiated an easement to clear-cut a swath of old growth trees (300 ft. by 20 ft.) to construct a driveway to connect to Beech Hill Rd.

- The Beneshes negotiated the easement without informing or discussing it with any of the abutters—we found out by accident.

The issue is that the driveway would be constructed on “Open Space” land designated by the Town in an approved subdivision.

- “Open Space”, by definition, means no construction is allowed.

The Beneshes want the Select Board to believe that their existing driveway is “suddenly unsafe”.

- It needs to be pointed that the Beneshes designed and constructed the driveway and have used it for the past 24 years.

- The Beneshes have totaled 2 cars. However, one of these accidents occurred when the State had closed Rte. 16 due to treacherous conditions.

- Perhaps it was poor judgment that was the cause of the accident, not an unsafe driveway.

- In contrast, our driveway has a 20% grade and connects to Beech Hill Rd., which has the exact same grade as the Beneshes's existing driveway.

- However, in forty years, the Lewkowicz's have never had an accident nor has any other Beech Hill resident.

At the last meeting, a Selectman asked Mr. Benesh if he considered other alternative routes to access Beech Hill Rd.

- Mr. Benesh responded that crossing the "Open Space" land is the only way to reach Beech Hill Rd.

- However, what Mr. Benesh failed to mention is that his own lot consists of 4 acres with two existing driveways.

- So he can easily re-route his existing driveway on his own land.

Finally, at the last meeting Mr. Benesh stated that the Lewkowicz's would not allow him to use an old road on their land to reach Beech Hill Rd.

- The suggestion to use our front yard, for the Beneshes' convenience is, quite frankly, farcical.

- Headlights at night, constant traffic, noisy delivery trucks in our front yard, for the Beneshes's convenience, makes the suggestion more than farcical—it is ludicrous.

To summarize:

The proposed driveway would be constructed on Town designated "Open Space" land, on which construction is prohibited.

The Beneshes have 4 acres and 2 existing driveways in order to re-route their driveway—without using others people's land.

Accordingly, we request that the Town enforce its own Subdivision Regulations and deny the Beneshes's driveway permit application.

THANK YOU"

Appendix B: Flyer for Upcoming Household Hazardous Waste Day

CONWAY HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY



"PLEASE DISPOSE OF IT SAFELY"

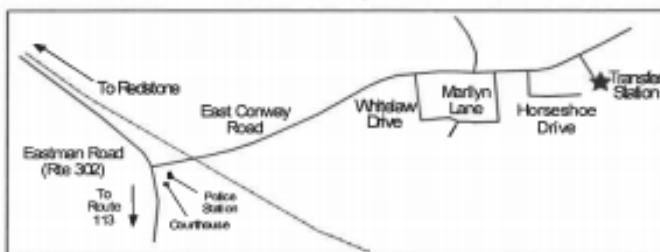


**For the Towns of: Albany, Bartlett, Conway, Eaton, Jackson, Madison, Hale's Location,
and Hart's Location**

SATURDAY, SEPTEMBER 25th, 2021

8:00 A.M. TO 11:30 A.M.

CONWAY TRANSFER STATION, 755 EAST CONWAY ROAD



10 GALLON LIMIT PER HOUSEHOLD

PLEASE NOTE:

- PUBLIC MUST STAY INSIDE THEIR VEHICLE.**
- LOCAL CONTRACTORS CANNOT TRANSPORT WASTE TO THIS EVENT.**

Why Should You be Concerned?¹

The average household throws 15.5 pounds of hazardous materials into the trash each year. Household hazardous materials are disposed of in other ways, too. Certain products, such as used oil, are frequently poured down storm drains and many products end up going down the sink drain to septic systems or sewers.

Flammable or reactive household chemicals can release toxic fumes or even explode if they are mixed together in the trash, causing fires or injuring workers. Dumping solvents into septic systems or landfills may contaminate ground and surface waters ruining drinking water and killing fish and wildlife. Pesticides can damage sewage treatment plants, and oil poured into storm drains can flow directly into streams and ponds.

There are also certain health threats associated with some of these products. Products like lye can burn skin, eyes or respiratory passages. Exposure to some pesticides, paints and solvents can cause weakness, confusion, dizziness, irritability, headaches, nausea, sweating, tremors and convulsions. Other repeated chemical exposures can cause cancer or birth defects.

Children are also vulnerable to these products and accidental poisonings can occur if these products are not properly stored. In New Hampshire, the third and fourth leading causes of poisoning are personal care products and cleaning substances behind prescription and nonprescription drugs. These substances should be stored safely and, if not used, disposed of properly.

¹ N.H. Department of Environmental Services, Environmental Fact Sheet HW-3, 1998

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SOLID WASTE DISTRICT**



HERE'S HOW TO DISPOSE OF HOUSEHOLD CHEMICALS



Hazardous waste is not just an industrial problem. While many household products may be thrown in the trash or poured down the drain, many others contain hazardous chemicals, which might contaminate our precious drinking water if disposed of carelessly. Check the list below to find the best way to get rid of your unwanted household chemicals:

| COLLECTION DAY ~ | → | → | → | → |
|---|---|---|---|---|
| RECYCLE AT TRANS. STATION | → | → | → | ↓ |
| DRAIN NORMALLY | → | → | ↓ | ↓ |
| TRASH | → | ↓ | ↓ | ↓ |
| | ↓ | ↓ | ↓ | ↓ |
| FROM THE HOUSE | ↓ | ↓ | ↓ | ↓ |
| Alcohol-based liquids & lotions, i.e. perfume, after shave, etc. | | X | | |
| Aluminum Cleaners | | | | X |
| Ammonia-based cleaners | | X | | |
| Bug Sprays | | | | X |
| Depilatories | | X | | |
| Disinfectants | | X | | |
| Dry Cleaning fluids & spot removers | | | | X |
| Floor care products | | | | X |
| Furniture polish | | | | X |
| Household Batteries | X | | | |
| Lighter Fluid | | | | X |
| Metal Polish | | | | X |
| Mothballs and crystals | X | | | |
| Nail polish remover | | | | X |
| Oven Cleaners | | | | X |
| Pharmaceuticals*** | | | | |
| Photo chemicals | | | | X |
| Shoe polish | X | | | |
| Window Cleaners | | X | | |
| FROM THE YARD | | | | |
| Fertilizer | X | | | |
| Fungicides | | | | X |
| Herbicides | | | | X |
| Insecticides | | | | X |
| Muriatic acid | | | | X |
| No-pest strips | | | | X |
| Pool Chemicals | | | | X |
| Rodent Killers | | | | X |
| COLLECTION DAY ~ | → | → | → | → |
| RECYCLE AT TRANS. STATION | → | → | → | ↓ |
| DRAIN NORMALLY | → | → | ↓ | ↓ |
| TRASH | → | ↓ | ↓ | ↓ |
| | ↓ | ↓ | ↓ | ↓ |
| FROM THE GARAGE | ↓ | ↓ | ↓ | ↓ |
| Anti-freeze | | | | X |
| Auto Batteries | | | X | |
| Brake & Transmission Fluid | | | | X |
| Carburetor cleaner | | | | X |
| Creosote | | | | X |
| Gasoline/diesel fuel | | | | X |
| Oil (motor and other) | | | X | |
| Wax polish | | | | X |
| Windshield washer fluid | | X | | |
| FROM THE WORKSHOP | | | | |
| Glue (water based) | | X | | |
| Glue (solvent based) | | | | X |
| Degreasers | | | | X |
| Kerosene | | | | X |
| Paint (latex) | X | | | |
| Paint (lead and oil based) | | | | X |
| Paint thinner/turpentine | | | | X |
| Paint stripper | | | | X |
| Paintbrush cleaner | | | | X |
| Rust preventative | | | | X |
| Sealants | | | | X |
| Solvents | | | | X |
| Varnishes | | | | X |
| Wood preservative | | | | X |

Any items in the "COLLECTION" column should be disposed of at the next Collection Day in your area.

COLLECTION=hazardous wastes that should be saved for community-wide collection days

RECYCLE=the transfer station already has recycling programs for these items.

DRAIN=substances that can be washed down the drain (check product labels for special septic tank procedures).

TRASH=materials that can safely be disposed of in garbage or trash when wrapped properly.

*** The next National Prescription Drug Take Back Day will be in October 2021. Please visit <https://takebackday.dea.gov> to find a collection site near you.

What About Waste? ¹

Every effort should be made to minimize the waste. If you cannot use the product up so there's no disposal, you might share what you cannot use with a friend or take it to a swap center if available. You may also be able to recycle the waste; most towns now accept used oil for recycling. Usable items, such as paint, may be donated to local service organizations.

If you still can't get rid of your wastes, don't burn, bury, pour on ground, pour down drain, or discard them in the trash. Some of these activities may even violate federal, state or local regulations. You should store these wastes safely and bring them to a local household hazardous waste collection.

¹ N.H. Department of Environmental Services, Environmental Fact Sheet HW-3, 1998

Appendix C: Highway Department Update

"July Highway Report

- Early July we fixed a couple small shoulders that washed out. Old Jackson Rd and Red Barn Road.
- York Raked Iron Mt Road for second time this season.
- We needed 10 tires we bought them and mounted them. 4 on one of the Western Star's and 6 on one of the Dodge's
- Started roadside mowing. The 15th we rented a rubber-tired excavator for a month. Trying to get as much roadside mowed with that as we can.
- Gary and Brookie have started the Town Office roof project. We got the footing and piers formed and poured with concrete. Building phase has begun as of today August 2, 2021.
- We have also been getting the roads to be paved this year prepped. Middle Mt. and Presidential roads will be reclaimed and a new base paved. The top section of Tin Mine, Red Barn, and Old Jackson Roads will get one inch of overlay. Whitney's Hill, Deer Run, Woodpecker Ridge, Alpine, Vista, and Balsams will be chip sealed. That is something Towns are trying to implement into there road plans. It's a step up from the sand seal that was used a lot (here) way back when. The chip seal is hot oil applied to the road then 3/8 stone is dropped down and compacted into the oil. The overburden stone is swept up. It seals the road and provides a new wear surface. You need a road in relatively good condition for it to work well. To chip seal all of these roads is around sixty thousand. To add one inch of new pavement is one hundred sixty thousand. So, it's a big savings when done.
- Those are the larger projects, and as always, the Town Grounds mowing, weed whacking, and dump runs."

"Paving will begin next week.

From the last meeting there was a question about the Benesh driveway permit. Barbara stated from a letter from the Benesh's maybe I had a recommendation. I couldn't remember anything, but I reviewed the permit. I had recommended they cut some brush on either side of the driveway for better visibility. I think that's it."